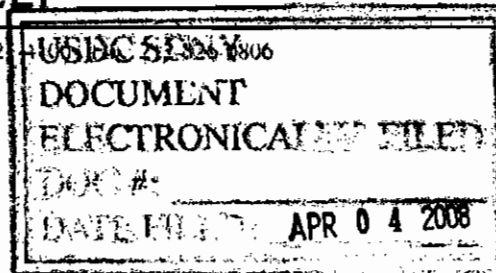




410 Park Avenue, New York, NY 10022 Tel 212-421-4500

New York | Los Angeles

www.pryorcashman.com



Nia J.C. Castelly

Direct Tel 212-326-0489  
Direct Fax 212-515-0969  
ncastelly@pryorcashman.com

April 2, 2008

VIA FACSIMILE

Honorable Laura T. Swain  
U.S. District Court, S.D.N.Y.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 755  
New York, NY 10007

**MEMO ENDORSED**

**Re: US Small Business Administration as Receiver for Coqui Capital Partners, L.P. v. Coqui Capital Management, LLC, et al.; 08-CV-0978 (LTS)**

Dear Judge Swain:

This firm represents Defendants<sup>1</sup> in the above-captioned action. We are in receipt of your Order, dated today, April 2, 2008, terminating Defendants' Motion to Dismiss the Amended Complaint and Compel Arbitration ("Motion"), filed electronically March 31, 2008, for failure to comply with Paragraph 2.B of Your Honor's Individual Practices Rules ("Paragraph 2.B"). Defendants, by this letter, seek to comply with Paragraph 2.B and on that basis request an Order reinstating Defendants' Motion.

Paragraph 2.B requires that a party making a motion of any type certify in clear terms that it has used its best efforts to resolve informally the matters raised in its submission. Defendants', by and through counsel, have exchanged numerous letters with Plaintiff outlining their respective legal and factual positions regarding the need for Plaintiff to submit its claims to arbitration pursuant to the arbitration provision in the Amended and Restated Agreement of Limited Partnership ("ALPA"). These letters are attached as exhibits to the Declaration of Donald S. Zakarin accompanying the Motion. See Zakarin Decl. Exhs. H, I, J, K, L, N.

Moreover, pursuant to Paragraph 2.B, counsel have had telephonic discussions concerning, *inter alia*, Defendants' position that all of Plaintiff's claims are subject to the arbitration provision of the ALPA.

For the reasons stated above, Defendants' respectfully request that the Court issue an Order reinstating Defendants' Motion to Dismiss the Amended Complaint and Compel Arbitration.

<sup>1</sup> The term "Defendants" is defined in the memorandum of law in support of Defendants' Motion to Dismiss the Amended Complaint and Compel Arbitration electronically filed March 31, 2008.



Honorable Laura T. Swain  
April 2, 2008  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nia J.C. Castelly", written over a horizontal line.

cc: Arlene M. Embrey, Esq. (U.S. Small Business Administration)  
William B. Young, Esq. (U.S. Department of Justice, United States Attorney's Office)  
Steven Weinberg, Esq. (Gottesman, Wolgel, Malamy, Flynn & Weinberg, P.C.)

Counsel for U.S. Small Business Administration,  
Receiver for Coqui Capital Partners, L.P.

*The application for reinstatement is  
granted.*

SO ORDERED.

A handwritten signature in black ink, appearing to read "Laura Taylor Swain", written over a horizontal line.

LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE